

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF CHANGE APPLICATION)

NUMBER 55-11077 (a13811))

MEMORANDUM DECISION

Change Application Number 55-11077 (a13811), in the name of USA Bureau of Reclamation, was filed on February 10, 1986, to change the point of diversion of 0.5 cfs of water. Heretofore, the water has been diverted from Deer Creek, located North 2300 feet and West 200 feet from the SW Corner of Section 6, T5S, R4E, SLB&M, and used for the irrigation of 30.00 acres, stockwatering of 17 head of livestock, and the domestic purposes of three families.

Hereafter, it is proposed to divert 0.5 cfs of water from a well located: South 160 feet and East 915 feet from the N $\frac{1}{4}$ Corner of Section 7, T5S, R4E, SLB&M, and from Deer Creek at the following locations: North 160 feet and East 490 feet; North 85 feet and East 610 feet; South 50 feet and East 770 feet; South 30 feet and East 855 feet; South 50 feet and East 920 feet; South 40 feet and East 1180 feet; South 160 feet and East 1455 feet; South 100 feet and East 1315 feet; all from the N $\frac{1}{4}$ Corner of Section 7, T5S, R4E, SLB&M.

The application was advertised in The Wasatch Wave from April 10, 1986, to April 24, 1986, and was not protested.

Upon review of the change application, the State Engineer reviewed the historic place of use and the current place of use of the water right. It was observed that the current use of water is for irrigation of approximately 20 acres of land and for the domestic needs of more than three families and possibly some stockwatering. It is the opinion of the State Engineer that the uses will have to be reduced to that which has been perpetuated which is 20 acres of irrigation, stockwatering of 17 head of livestock, and domestic needs of 3 families.

In evaluating the various elements of the underlying rights, it is not the intention of the State Engineer to adjudicate the extent of these rights, rather to provide sufficient definition of the rights to assure that other vested rights are not impaired by the change and/or no enlargement occurs. If, in a subsequent action, the court adjudicates that this right is entitled to either more or less water, the State Engineer will adjust the figures accordingly.

It is, therefore, **ORDERED** and Application Number 55-11077 (a13811) is hereby **APPROVED** subject to prior rights and the following conditions:

1. The change application shall be limited to the domestic needs of three families, stockwatering of 17 equivalent livestock units, and irrigation of 20 acres of land.
2. The applicant shall install measuring devices to monitor all water diverted from all sources under this change. The measuring devices shall be made available to the duly appointed river commissioner and the State Engineer at all reasonable times as needed to regulate this change.

This Decision is subject to the provisions of Section 73-3-14, Utah Code Annotated, 1953, which provides for plenary review by the filing of a civil action in the appropriate district court within sixty days from the date hereof.

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Dated this 4th day of September, 1992.


Robert L. Morgan, P.E., State Engineer

RLM:JER:jb

Mailed a copy of the foregoing Memorandum Decision this 4th day of September, 1992, to:

USA Bureau of Reclamation
P. O. Box 51338
Provo, UT 84605

Stanley H. Roberts, Jr.
River Commissioner
1675 South 350 East
Orem, UT 84058

BY: 
Judy Barbour, Secretary

Legal file
was in corresp.
behind 10/22 letter
signed by Morgan